

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

~~-against-~~

JOHN MUYET,

Defendant.

No. 95-CR-941 (LAP)

No. 03-CV-4247 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

On June 1, 2020, Jose Muyet filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255 ("Section 2255"). (Case number 01-CV-9371, dkt. no. 49). Subsequently, Jose Muyet's co-defendants Antonio Feliciano and John Muyet filed their own motions under Section 2255. (Case number 95-CR-941, dkt. nos. 465 and 472, respectively.)¹ In their submissions, Feliciano and John Muyet adopted Jose Muyet's arguments. (See Feliciano's law memo, dkt. no. 465 at 1; John Muyet's law memo, dkt. no. 473 at 1-2; Feliciano's reply, dkt. no. 477 at 1; and John Muyet's reply, dkt. no. 483 at 2, n.2. See also the Government's opposition to Feliciano and John Muyet's motions, dkt. no. 469 at 1-2; the Government's sur-reply to Feliciano's motion, dkt. no. 484 at 1-2; and the Government's sur-reply to John Muyet's motion, dkt. no. 485 at 1-2.)

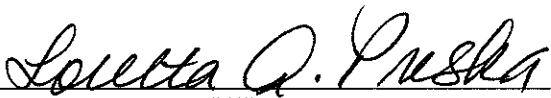
¹ Unless otherwise specified, all record cites are to case number 95-CR-941.

On January 12, 2023, this Court filed an opinion, (dkt. no. 486), denying Jose Muyet's motion. Due to Feliciano and John Muyet's reliance on Jose Muyet's submissions and arguments, their Section 2255 motions are DENIED for the same reasons set forth in the Court's above referenced opinion. For the same reasons, certificates of appealability as to Feliciano and John Muyet's motions are DENIED.

The Clerk of the Court shall docket this order in the following cases: 95-CR-941, for both Antonio Feliciano and John Muyet; 03-CV-4247; and 01-cv-09398. The Clerk of the Court shall close: dkt. no. 472 in 95-CR-941; dkt. no. 36 in 03-CV-04247; and dkt. nos. 22 and 27 in case number 01-CV-09398. The Clerk of the Court shall close case numbers 03-CV-4247 and 01-CV-09398. Finally, the Clerk of the Court shall mail a copy of this order to Antonio Feliciano and John Muyet.

SO ORDERED.

Dated: September 12, 2023
New York, New York



LORETTA A. PRESKA
Senior United States District Judge